

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG

STEVEN DAIL EDGELL, Executor of the
Estate of Archie D. Edgell,

Plaintiff,

v.

CIVIL ACTION NO. 1:20cv145
(KLEEH)

UNITED STATES OF AMERICA,

Defendant.

**FIRST ORDER AND NOTICE REGARDING
DISCOVERY AND SCHEDULING CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b) and 26(f) and Local Rule of Civil Procedure ("L.R. Civ. P.") 16.01 and 26.01, it is hereby ORDERED:

1. Initial Planning Meeting on or before: November 9, 2020
2. Meeting Report on or before: November 23, 2020
3. Initial Disclosures on or before: December 9, 2020
4. Scheduling Conference: if necessary

(1) **Initial Planning Meeting**: Pursuant to Fed. R. Civ. P. 16 and 26(f) and L.R. Civ. P. 16.01(b), parties to this action shall meet in person or by telephone on or before **November 9, 2020**. At this meeting, the parties shall discuss all matters required by Fed. R. Civ. P. 16 and 26(f) and L.R. Civ. P. 16.01(b).

(2) **Meeting Report and Proposed Discovery Plan:** Pursuant to Fed. R. Civ. P. 26(f) and L.R. Civ. P. 16.01(c), the parties shall submit to this Court a **written report** on the results of the initial discovery meeting **and a completed Scheduling Order Checklist** (see attached) on or before **November 23, 2020**. The written report shall include the parties' report on those matters set forth in L.R. Civ. P. 16.01(b) (1-5) and 16.01(c) and the parties' discovery plan as required by Fed. R. Civ. P. 26(f). The parties' report on their meeting shall be considered by this Court as advisory only. Parties and counsel are subject to sanctions as set forth in Fed. R. Civ. P. 16(f) and L.R. Civ. P. 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

(3) **Initial Discovery Disclosures:** Pursuant to Fed. R. Civ. P. 26(a)(1) and L.R. Civ. P. 26.01(a), each party shall provide to every other party the initial discovery disclosures required under Fed. R. Civ. P. 26(a)(1) on or before **December 9, 2020**.

(4) **Telephonic Scheduling Conference:** Upon receipt of the meeting report and proposed discovery plan, this Court may conduct a scheduling conference at a date and time deemed appropriate. See Fed. R. Civ. P. 16(b) and L.R. Civ. P. 16.01(d). However, if this Court determines, after a review of the meeting report and proposed discovery plan, that a scheduling conference is not

necessary, no conference will be scheduled, and a scheduling order will be entered. See Fed. R. Civ. P. 16(b) and L.R. Civ. P. 16.01(d).

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein, along with copies of this Court's Scheduling Order Checklist.

DATED: October 7, 2020

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE

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SCHEDULING ORDER CHECKLIST

ATTORNEYS:

	DATE:
JOIN PARTIES OR AMEND PLEADINGS	
PLAINTIFF EXPERT DISCLOSURE	
DEFENDANT EXPERT DISCLOSURE	
COMPLETION OF DISCOVERY	
MEDIATION	
DISPOSITIVE MOTIONS	
RESPONSE TO DISPOSITIVE MOTIONS	Within 21 days of the filing of the motion
REPLY TO DISPOSITIVE MOTIONS	Within 14 days of the filing of a Response
PRETRIAL DISCLOSURES, FED R. CIV. PRO. 26(a)3	

OBJECTIONS	
PROPOSED VOIR DIRE, JURY INSTRUCTIONS, VERDICT FORMS, & SPECIAL INTERROGATORIES	
OBJECTIONS	
MOTIONS IN LIMINE	
OBJECTIONS	
BIOGRAPHICAL SKETCHES	
JOINT PRE-TRIAL ORDER	
STIPULATION OF FACTS	
FINAL PRE-TRIAL/SETTLEMENT CONFERENCE	
TRIAL DATE (including number of days)	
If you are requesting a non-jury trial, provide a deadline for Proposed Findings of Fact and Conclusions of Law	